

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF MISSISSIPPI  
NORTHERN DIVISION

SECURITIES AND EXCHANGE  
COMMISSION

Plaintiff,

v.

ARTHUR LAMAR ADAMS AND  
MADISON TIMBER PROPERTIES, LLC

Defendants.

Case No. 3:18-cv-252-CWR-FKB

Hon. Carlton W. Reeves, District Judge  
Hon. F. Keith Ball, Magistrate Judge

**BANKPLUS’S REPLY IN FURTHER SUPPORT OF ITS MOTION FOR LEAVE TO  
FILE SURREPLY SUPPORTING ITS OPPOSITION TO THE SEC’S AND  
RECEIVER’S JOINT MOTION FOR PROTECTIVE ORDER**

BankPlus and BankPlus Wealth Management LLC (collectively “BankPlus”) submit this Reply in Support of their Motion for Leave to File Surreply (Dkt. No. 309) in Support of their in Opposition to the Securities and Exchange Commission’s (“SEC”) and Receiver’s Joint Motion for Protective Order. (Dkt. No. 304).<sup>1</sup> BankPlus seeks leave to file a surreply to urge the Court to address the proposed protective order that will apply to the cases brought by the Receiver (“The Receiver Actions”) against the defendants in those cases<sup>2</sup> with an omnibus case management discovery conference, to include all the parties to those cases.<sup>3</sup>

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<sup>1</sup> BankPlus is an interested party here because it is a defendant in the related case of *Mills v. BankPlus et al.*, Civil Action No. 3:19-00196-CWR-LGI (S.D. Miss., Northern Division).

<sup>2</sup> The Receiver Actions are: *Mills v. Butler Snow, et al.*, No. 3:18-cv-866 (S.D. Miss.); *Mills v. BankPlus, et al.*, No. 3:19-cv-196 (S.D. Miss.); *Mills v. The UPS Store, Inc., et al.*, No. 3:19-cv-364 (S.D. Miss.); and *Mills v. Trustmark, et al.*, No. 3:19-cv-941 (S.D. Miss.).

<sup>3</sup> The UPS Store and Trustmark National Bank requested a conference in their oppositions to the SEC and Receiver’s motion for protective order (Dkt. Nos. 298 and 299). Baker Donelson also filed an opposition the protective order (Dkt. No. 301).

The Receiver's Response to BankPlus's Motion for Leave to File Surreply (Dkt. No. 310) reargues her motion for a protective order and rhapsodizes her virtual data room. The Response does not address BankPlus's request for leave to file a surreply brief. For that reason alone the Court should grant BankPlus's motion and permit it to file a surreply opposing the protective order.

Nonetheless, BankPlus joins the Receiver's praise for her idea of a virtual data room. As a general concept, a data room accessible to all defendants across the Receiver's cases can streamline the discovery process and reduce demands on this Court's time resolving disputes among litigants. But the creation of a data room is not the problem here; rather, the Receiver's Terms of Access attempt to impose an extra-judicial protective order on defendants to obtain documents despite the Federal Rules of Civil Procedure that require production of the documents without restriction. BankPlus seeks leave to file a surreply to bring this to the Court's attention and urge an omnibus case management conference across the Receiver's lawsuits.

Accordingly, for the reasons stated above and in the oppositions filed by some of the Receiver Action Defendants, Dkt. Nos. 298, 299, and 301, Bank Plus respectfully requests that the Court grant its motion for leave to file a surreply opposing the SEC and Receiver's joint motion for a protective order.

Respectfully submitted,

/s/ Robert B. Bieck, Jr.

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Kaytie M. Pickett (MS Bar 103202)  
Robert B. Bieck, Jr. (pro hac vice)  
Alexander N. Breckinridge, V (pro hac vice)  
JONES WALKER LLP  
190 E. Capitol St., Ste. 800  
Jackson, Mississippi 39205  
Telephone: (601) 949-4900  
Facsimile: (601) 949-4804  
kpickett@joneswalker.com  
rbieck@joneswalker.com

abreckinridge@joneswalker.com

**Attorneys for Defendants BankPlus &  
BankPlus Wealth Management LLC**

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the above and foregoing pleading has been served on all parties and/or their counsel of record, by e-mail, by ECF, facsimile, by-hand, and/or by United States mail.

New Orleans, Louisiana, this the 11th day of August, 2021.

*/s/ Robert B. Bieck, Jr.*

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Robert B. Bieck, Jr.